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Wastewater Treatment

Technology in balance with nature

February 18, 2004

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TMDL Listing Unit  
Division of Water Quality  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100

Dear Mr. Wilson:

The Sacramento Regional County Sanitation District (SRCSD) appreciates the opportunity to submit the following comments on the draft *Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy)* dated December 2, 2003. SRCSD is a regional sanitation district that serves over a million customers in the Sacramento metropolitan area and owns and operates the Sacramento Regional Wastewater Treatment Plant (SRWTP). SRWTP discharges directly into the Sacramento River downstream of Freeport, which qualifies as a discharge to the Sacramento-San Joaquin Delta. Consequently, the State's section 303(d) listing policy and its implications may impact millions of ratepayers in the greater Sacramento area.

Overall, we support the State Board's goal and efforts to create a sound and defensible approach to listing impaired waterbodies by requiring specified levels of data quality and quantity, and for requiring consistent and statistically valid data evaluations. We believe that the draft policy, as proposed, takes great strides toward accomplishing those goals. However, we must express our outstanding concerns with the December 2, 2003, draft of the proposed policy.

**Monitoring/Planning List**

The current draft of the proposed policy eliminates the monitoring and planning lists that were contained in the July 2003 version of the *Listing Policy*. SRCSD regrets the State Water Resources Control Board's (SWRCB) decision to eliminate these lists. While SRCSD would support the collapsing of the two lists as identified in the July *Listing Policy*, we think that it is important that the *Listing Policy* recognize that some water segments require monitoring, because there is a lack of data to properly determine if there is an impairment, the impairments are undetermined (e.g. unknown toxicity), or the water quality standards may be inappropriate.

SRCSD encourages the SWRCB to amend the draft policy to include some form of monitoring or planning list, instead of requiring all "impaired" water segments to be placed on the section 303(d) list.

### **Unknown Water/Sediment Toxicity**

The current *Listing Policy* allows the placement of water segments on the section 303(d) list for toxicity alone without any identification of the pollutant. SRCSD opposes the listing of water segments based only on toxicity. Placing such water segments on the 303(d) list will require studies to determine the identification of the pollutant or pollutants before developing a TMDL. These water segments are appropriate candidates for a monitoring or planning list as discussed above.

### **Trends in Water Quality**

As proposed, the *Listing Policy* allows for the listing of a water segment if there is a trend of declining water quality standards attainment. This provision creates a loophole from the previous data quality and quantity requirements and statistically valid data evaluations. It also allows for the listing of water segments that are not impaired. SRCSD opposes the inclusion of this provision as a listing factor.

### **Alternative Data Evaluation**

Similar to the "trends in water quality" listing factor discussed above, the alternative data evaluation provision allows the Regional Board to list a water segment when the previous listing factors cannot be met. This provision is clearly a loophole from the other listing factors based on sound data quality and quantity requirements.

### **Policy Implementation**

In general, SRCSD supports the policy implementation provisions contained within the proposed *Listing Policy*. To better clarify the Evaluating Existing Listings in section 6.1, however, SRCSD recommends that the language be modified as follows:

Water segments and pollutants on the section 303(d) list shall be reevaluated if the listing was based on faulty data or if new data and information become available indicates that the waters would not meet listing requirements based on the California Listing Factors. The steps to complete a reevaluation are:

An interested party may request an existing listing be reassessed under the provisions of the Policy. In requesting the reevaluation, the interested party must describe the reason(s) the listing is inappropriate, state the reason the Policy would lead to a different outcome and provide the data and information necessary to enable the RWQCB and SWRCB to conduct the review.

The steps to complete a reevaluation based on a faulty listing are:

A. Document the basis for the original listing.

B. Provide information documenting that the listing was based on faulty data or information, including, but not limited to, typographical errors, improper quality assurance/quality control procedures, limitations related to the analytical methods that

would lead to improper conclusions regarding the water quality status of the segment, or deviation from listing policies in effect at the time of the listing.

The steps to complete a reevaluation based on new data and information are:

- A. All readily available data and information shall be used to assess a water segment. Data and information older than ten years may be used if the original listing was based on that data.
- B. In performing the reassessment the RWQCBs shall use the California Listing Factors (i.e., waters shall be assessed as if they had never been listed before) to assess each water segment-pollutant combination. If the original listing was established using the provisions of this Policy, the California Delisting Factors shall be used.

~~An interested party may request an existing listing be reassessed under the provisions of the Policy. In requesting the reevaluation, the interested party must describe the reason(s) the listing is inappropriate, state the reason the Policy would lead to a different outcome and provide the data and information necessary to enable the RWQCB and SWRCB to conduct the review.~~

The most recently completed section 303(d) list shall form the basis for any subsequent lists.

The suggested modification to Section 6.1 is necessary to clarify that waters may be delisted either because the original listing was based on faulty data or because new data and information indicates the waters do not meet current listing requirements.

Once again, SRCSD would like to thank the SWRCB for the extended opportunities to comment on the *Listing Policy*. The SWRCB has maintained a very open and inclusive process for the development this policy and its efforts are appreciated. If you have any questions regarding our comments or require our assistance as you move forward, please contact Robert Seyfried of my staff at (916) 876-6068 or myself at (916) 876-6115.

Sincerely,

  
Wendell H. Kido  
District Manager

cc: SRCSD – Robert Shanks, Terri Mitchell, Robert Seyfried, Kris Walters  
SRWTP – Stan Dean